SRI P. RANGASWAMI REDDIAR :—" But 9th is a holiday. I think the Government have declared 9th January a compensation holiday."

THE HON. SRI C. SUBRAMANIAM :—" We shall work on the 9th and declare some other day as compensatory holiday."

III.—GOVERNMENT BILLS.

(1) THE MADRAS PRESERVATION OF PRIVATE FORESTS (AMENDMENT) BILL, 1954.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg leave to introduce the Madras Preservation of Private Forests (Amendment) Bill [a], 1954, and move—

' *That the Bill be taken into consideration at once* '.

" Sir, the Madras Preservation of Private Forests Act was last extended in the year 1951 by Act XIII till 2nd December 1953. It was then thought that a comprehensive piece of legislation regarding the Forest Act would be completed by that time. But that could not be done. The Act expired on 2nd December 1953. So it was necessary to extend the life of the Act and it was done by the issue of an Ordinance on 2nd December 1953. We have now come here to regularize the Ordinance. When the matter is so simple, I am surprised to find one hon. Member, I mean Sri Ramalingam, moving an amendment that this Bill be referred to a Select Committee. I do not know what there is in this Bill to be referred to a Select Committee. What is sought to be done by the present Bill? We simply regularize the Ordinance and extend the life of the parent Act. That is all. There is already a Select Committee which is going into the provisions of the original Act to make suitable improvements. When such is the case, I do not know why an amendment that the present Bill be referred to a Select Committee should be moved."

MR. SPEAKER :—" Motion moved—

' That the Madras Preservation of Private Forests (Amendment) Bill, 1954, be taken into consideration at once.' "

SRI S. RAMALINGAM :—" I am not moving the amendment I have given notice of to the effect that the present Bill be referred to a Select Committee."

SRI V. R. KRISHNA AYYAR :—" Since the present Bill is one dealing with the preservation of private forests which are found mostly in Malabar and South Kanara, I wish to say a few words regarding how badly this Act is being worked and how it is abused in the actual working of it by the departmental officials. I shall point out the blemishes and pitfalls in the working of it. No doubt this Ordinance merely seeks to extend the life of the previous Act. Beyond that, it does not say anything. No new principle is now being enunciated. How is the Act worked in Malabar and South Kanara? It is well known that those two

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places are noted for their forest wealth. Even though the aim of the Act is a laudable one, in the actual working of it, it is put to all sorts of misuse by the officials in charge of its working. I am not casting aspersions against anyone in particular. By both the Revenue and Forest Departments being in charge of the work concerning the preservation of private forests, the result has been that two departments are running a sort of three-legged race. The Act is put to much abuse. Forest rangers and guards who are so meagrely paid and whose salaries are not sufficient for their subsistence easily fall a prey to big timber traders. There is no use blaming officials inasmuch as they are paid meagrely and as such easily succumb to the temptation of the bigwigs of the timber trade. Suffice it to say that the working of this Act, the Madras Preservation of Private Forests Act are and the enforcement of it by the officials in charge, are far from satisfactory.

"I shall now come to the inordinate delay with which one comes across in the matter of issue of permits for felling of trees. Enormous amount of red-tapism has crept in. In spite of the fact that the D.F.O. (District Forest Officer) is at the top, who is it that actually scrutinizes the application for permits? It is the petty clerks at the bottom. Who is it that actually supervises the work of felling operations? It is the forest ranger. Can we say that he is above suspicion and that he would not succumb to the temptation of the rich timber traders? No, surely not. They are meagrely paid and it is but natural that they would succumb to the temptation easily. I can specifically say that when a permit is given to a private trader for the felling of 100 trees, it usually happens that taking advantage of the petty officials in charge of supervision and maintenance of forests, the trader, who is a wealthy man, usually gets away with a larger number—(of course he sees to it that the petty officials who helped him are sufficiently rewarded). Nobody seems to bother about the way in which our forests are exploited. Nobody takes care to preserve our forest wealth. More often than not they forget (I mean they who are put in charge of the work of preservation of forests) the fact that forests are our national wealth. Looking at the picture from one angle, we cannot blame the petty officials for it is but natural that due to poverty they succumb to the temptation of bribery. If an application for a permit is made, it usually happens that six months at least elapse before any investigation is carried out and as is but usual no tangible result is achieved. In the matter of issue of permits the Government adopts a circuitous procedure. What is the result? A permit usually reaches a man who has applied for it after the lapse of considerable time. If a man applies from a particular place, the application will go to Kozhikode, which is the official headquarters of District Collector. The journey will then proceed from the Forest to the Revenue Department. It will come to the Tahsildar, Deputy Tahsildar and to the village munsif. From the bottom, right again it will be sent back to the Forest Department and by the time it goes to the District Forest Officer, several months would have elapsed. It usually happens that the big merchants, I mean the timber traders,—I

5th January 1954] [Sri V. R. Krishna Ayyar]

have referred to them as ' sharks ' in my last speech—somehow get the permits, go on felling trees far in excess of the permit and go away unpunished. But the contrast is glaring when a petty villager who cuts down branches for either domestic or some other purpose or who tries to cultivate on a patch of reserved forest land is brought to book and is punished. These gullible folk, these poor ryots get frustrated, and are put to trouble while the rich walk off merrily with their bounty. That is the present state of affairs obtaining in our forest administration.

" I shall now come to the 'working plan '. The Madras Preservation of Private Forests Act requires that an owner of a private forest should submit a ' working plan' detailing the way in which the forest would be regenerated. But what is it that the authorities do with the ' working plan '? Do they approve them within a reasonable time? The answer is only in the negative. I am sorry to say it. But that is what is happening. I am sure that the ' working plans' are not properly scrutinized. The forests are not kept properly as is laid down under the Act. What is the result? The people are not at all satisfied with the way in which the Madras Preservation of Private Forests Act is enforced. It has become scandalous in its working.

" I, therefore, urge upon the Government to bestow their attention in rectifying the defects I have pointed out, viz., (1) the red-tapism prevalent in the issue of permits, (2) the abuse to which our Madras Preservation of Private Forests Act is put to, (3) the exploitation of forests by the permit-holders in excess of the permit quota and lastly (4) the rectification of the present labrynthine and circuitous procedure adopted in the matter of issue of permits. Let the Government realize that our forests are our national wealth and any piece of legislation for the preservation of our natural wealth will go a long way in enriching our national wealth."

* SRI K. PARTHASARATHY :—" I support the motion moved by the Hon. Minister. Since I am interested in the provisions of the main Act, I shall make a few observations.

" I wish to draw the attention of the House to one thing and that is when the original Act was passed in 1949, it was said in the Preamble that the Act was passed ' pending further legislation '. So, when it was passed, the Act contemplated passing of further legislation to carry out the intentions of the Act, but so far no further legislation has come into being. This is a very sorry state of affairs. So from 1949 onwards, we have not been able to make any comprehensive Act. So, it is necessary that Government should take steps to pass legislation which is pending for a very long time, that is from 1949 and I may even say from 1946. Therefore, I request the Government to take steps to pass an enactment at a very early date. 10–20 a.m.

" Section 5 of the original Act relates to suits and other execution proceedings and that section is now sought to be given a new lease of life by this Bill which we are now passing. It

amounts to this that suits and other execution proceedings are stayed from 1946 onwards till 1953 or 1954. My submission is that this state of affairs should not be allowed to continue. Now the question of customary rights is pending in civil courts and execution of decrees is also pending. We now seek to continue this state of affairs. I submit that proceedings should not be allowed to be stayed indefinitely for a long time. I know of cases where decrees were passed declaring the customary rights of the ryots in adjacent private forests. The existing rights are for the purpose of carrying on of agricultural operations better and for gathering green manure, fuel and other materials like bamboo, etc., for cottage industries. In these cases, the provisions of section 5 act as a restraint on the exercise of such rights. So it is better and desirable that a comprehensive legislation is passed at a very early date.

"Again, section 3, sub-clause (2) of the original Act has a proviso. This is not wide enough. The hon. Sri Krishna Ayyar said that this measure affected the district of Malabar more. It is not so. There are other areas in the State where the Act is enforced and it affects the life of so many persons there. As a matter of fact, to half the area of my constituency, this Act is made applicable and ryots are put to a lot of difficulties in the working of this Act. In my constituency, there are three hilly tracts, namely, Jadaya Gounden Jagir, Ariya Gounden Jagir and Kurumba Gounden Jagir, and these are full of forests. The ryots in the villages of the plain below have a right to gather green manure for agricultural operations. The ryots find it very difficult to enjoy the natural and customary rights. It is very difficult to exercise the rights with the consent of the Revenue Department and the Forest Officers. There is also delay, as pointed out by the hon. Mr. Krishna Ayyar, in getting permits. The headquarters of the Revenue Official is located in a distant place and the ryot has to go there and get a permit. All these things cause very great hardship to the ryots in carrying on agricultural operations. When the aim of the Government is to increase food production, the passing of this Act does not encourage the ryot to increase food production. So I request that at the time of passing the comprehensive Act, the proviso to sub-clause (2) of section 3 should be made wide enough to provide not only for the removal of forest produce for domestic purposes and for agricultural implements, but also for the removal of green manure and other materials necessary for agriculture and cottage industries.

"The Hon. Minister has given an assurance that the Select Committee is going to meet even to-day and that steps are being taken for passing a comprehensive legislation. In view of this, I support the Hon. Minister's motion and I am sure that the House also will support it."

* SRI R. KRISHNAN :—" സർ, പ്രൈവററ് ഫോറസ്റ്റ് നശിപ്പിച്ചുവരുന്നതിനെ തടയാൻ ഈ നിയമംകൊണ്ടുമാത്രം സാദ്ധ്യമല്ല. മലബാറിലെ സ്ഥിതി എനിക്കു നേരിട്ടു അറിവുള്ളതാണ്. അവിടെയുള്ള കാടുകളെ നശിപ്പിക്കുന്നതു് ആ കാടുക

ളുടെ ഉടമസ്ഥന്മാരായ ജന്മിമാർതന്നെയാണ്. മരുമക്കത്തായം നിലവിലുള്ള മലബാറിൽ കാരണവന്മാർ കാടുകളെ കണ്ടമാനം വെട്ടി നശിപ്പിക്കുന്നു. ധാരാളം മരങ്ങൾ അവർ മുറിച്ചു മാറ്റുന്നുണ്ട്. ജന്മിമാർക്കു കാടുകൾ നിലനിറുത്താൻ അശേഷം താല്പര്യമില്ല. അതുകൊണ്ടു ആ കാടുകളെ ഗവമ്മേണ്ട് ഏറെറടുക്കണമെന്നാണ് എന്റെ അഭിപ്രായം. പ്രതിഫലം കൊടുക്കാൻ ഉടനെ പണമില്ലെങ്കിൽ പത്തോ പതിനഞ്ചോ കൊല്ലംകൊണ്ടു കൊടുത്തു തീർക്കാനുള്ള ഒരു പദ്ധതി നടപ്പിൽ വരുത്തണം. സ്റ്റേറ്റു മുഴുവൻ ഇതു നടപ്പിൽ വരുത്താൻ സാദ്ധ്യമല്ലെങ്കിൽ മരുമക്കത്തായം നിലവിലുള്ള മലബാർ മുതലായ സ്ഥലങ്ങളിലെങ്കിലും അങ്ങനെ ചെയ്യണമെന്നാണ് എന്റെ അഭിപ്രായം. അതിനുവേണ്ട വ്യവസ്ഥകൾ ഈ ബില്ലിൽ ഉൾപ്പെടുത്തണമെന്ന് ഞാൻ അഭ്യർത്ഥിക്കുന്നു.''

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, with regard to the remarks made by the hon. Member behind me, I had already stated that a comprehensive legislation is under contemplation for amending the Madras Forest Act, and it will take some time. But the Madras Preservation of Private Forests Act came to an end on 2nd December 1953. Therefore, it had to be extended pending the regular Bill being brought here. By an Ordinance, the lifetime of the Act has been extended beyond that date. This is only to regularize the action under the Ordinance by a Bill and nothing more. As regards the amending of certain provisions of the Act, I wish to remind the hon. Sri Krishna Ayyar that there is a Select Committee meeting to-day at 5 o'clock and what all he has got to say, he may say then."

MR. SPEAKER :—" The question is—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1954, be taken into consideration at once.' "

The motion was put and carried.

Clauses 2, 3 and 1 and the Preamble were put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I beg to move—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1954, be passed into law.' "

MR. SPEAKER :—" The question is—

'That the Madras Preservation of Private Forests (Amendment) Bill, 1954, be passed into law.' "

The motion was put and carried, and the Bill was passed into law.

IV.—GOVERNMENT MOTION.

MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, on behalf of the Hon. the Leader of the House, I move— 10-30 a.m.

'That, under rule 22 (3) of the Madras Assembly Rules, item No. IV on the agenda, namely, the Madras Slum Improvement (Acquisition of Land) Bill, 1954, be taken up before item No. III, namely, the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953).' "